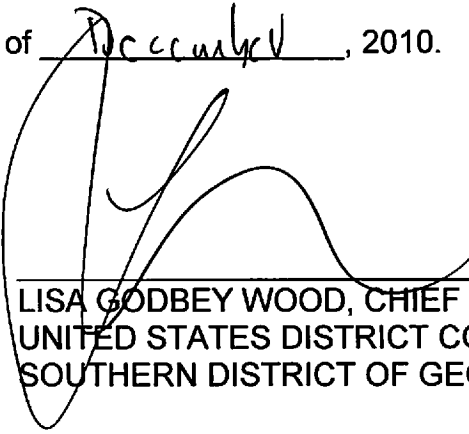


the slight syntax distinction between ground eleven as stated in the Report and how Alston wished it to be phrased in his Objections makes no difference in the outcome of his petition. Alston offers no evidence that Judge Wilkes deceived Alston or "perpetrated a fraud upon the court." Alston admits in his petition that his Motion for New Trial was granted for the sentencing portion, and he was allowed to appeal his conviction and sentence. (Doc. No. 1, pp. 4-7).

Alston's Objections are **OVERRULED**. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Claim eleven of Alston's ineffective trial counsel ground, claims four and 9-14 of Alston's ineffective appellate counsel grounds, and ground three of Alston's petition are **DISMISSED**. Alston's remaining claims are **DENIED**.

The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 29 day of December, 2010.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA